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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,682	11/05/2001	Akira Shibasaki	24823	4021

20529 7590 03/27/2006

NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/985,682	Applicant(s) SHIBASAKI, AKIRA	
	Examiner Yixing Qin	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) 17 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 12/30/05, all requested changes have been entered.

Response to Arguments

The Examiner has considered the response to the 112 rejection made and will withdraw the rejection.

Applicant's arguments filed 12/30/05 have been fully considered but they are not persuasive. The argument is that the Masuzaki reference does not disclose the selecting of a plurality of original monochromatic images and combining and collectively displaying information of the original monochromatic images. First, the original monochromatic image and the edit image information as used by Masuzaki are indeed both original monochromatic images since both are stored as monochromatic information that is unchanged. Second, they are indeed selected from a plurality of original monochromatic images. There are two monochromatic images (which is a plurality of original monochromatic images) in the Masuzaki invention, the original and the edit data. Both are combined to form a multi-color image, which inherently means that both are selected.

Also, from the previous rejection, the Examiner said that the Masuzaki did not disclose a display in the input apparatus. However, the amended claims call for at least one of the input, output, or formation apparatus to have a display for displaying collectively the information of the plurality of the desired monochromatic information.

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Masuzaki does indeed show a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Thus, the Examiner does not need the Popovich to show the display anymore. Please see the rejection below.

Allowable Subject Matter

Claims 17 and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The objected claims 17 and 21-24 call for a monochromatic image that contains a plurality of pages. The prior art of record only deal with the combination of images that contain what is reasonable interpreted as one page. Although manipulation of pages and the insertion of blank pages is known in other areas in the printing art, the prior art of record in this particular field of endeavor (the combination of multiple monochromatic images) do not teach/suggest this feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1, 4-6, 8, 11-13, 16, 18 and 19 are rejected under 35 U.S.C. 102b as being anticipated by Masuzaki (U.S. Patent No. 5,150,458).

1. **Claim 1**

- Masuzaki discloses in column 3, lines 33-42 an image input (**image input apparatus**) device for monochromatic image information. Fig. 6A-6F shows some examples of combinable image information.
- Masuzaki discloses in Fig. 1 an image memory 13 (**image storage apparatus**). More specifically, column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information.
- Masuzaki discloses in Fig. 3 a CRT display controller 14 (**image formation apparatus**). One can see that it gets original and edit image data 19 and 20 and combines them with various other signals for output to the CRT display (column 4, lines 54-67). Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data. Fig. 6A-6F shows that they can be characters and/or images.
- Masuzaki discloses in column 4, lines 29-35 that a CRT (**image output apparatus**) displays a combined version of the two monochromatic images in color.
- Masuzaki does shows a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Please also see column 6, lines 28-38.

4. **Claims 4, 11 and 16**

- Masuzaki discloses in Fig. 6A-6F the combination of various monochrome images. One can see that the images are separate units by themselves (i.e. **page units**).

5. Claims 5, 6, 12, 13, 18 and 19

- Masuzaki discloses in column 5, lines 19-29 that one signal of RGB is selected to be outputted. Also note Figs. 4 and 5 for selection of color.
- Masuzaki discloses in column 4, lines 29-35 that the CRT displays the combined monochrome images in color. Column 4, lines 54-67 further describes the combination of various signals for output on the CRT. Also note Figs. 6A-6F (especially 6E and 6F where Masuzaki discloses red character strings and lines) and column 6, lines 28-38.

7. Claim 8

- Masuzaki discloses in column 3, lines 33-42 an image input (**first data input/output section**) device for monochromatic image information. Fig. 6A-6F shows some examples of combinable image information.
- Masuzaki discloses in Fig. 1 an image memory 13 (**image storage section**). More specifically, column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information.
- Masuzaki discloses in Fig. 3 a CRT display controller 14 (**control section**). One can see that it gets original and edit image data 19 and 20 and combines them with various other signals for output to the CRT display (column 4, lines 54-67). Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data.
- Masuzaki discloses in column 4, lines 29-35 that a CRT (**second image input/output section**) displays a combined version of the two monochromatic images in color.
- Masuzaki does shows a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Please also see column 6, lines 28-38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuzaki (U.S. Patent No. 5,150,458) in view of Official Notice.

6. Claims 7, 14 and 20

- Although not explicitly disclosed, the use of thumbnail images to represent full sized images is well-known in the art. One knows that the purpose of the thumbnails is to enable users to preview images without having to take a long time to load the entire full-sized image.

III. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuzaki (U.S. Patent No. 5,150,458) in view of Speciner (U.S. Patent No. 5,959,867)

8. Claim 15

- Masuzaki discloses the selection of monochromatic images for output as discussed in the independent claims above. However, it does not disclose that they are spooled in a queue or that they are rasterized before displaying them on a display. However, both the spooling and rasterizing of images are conventional in the art (i.e. see Speciner – U.S. Patent No. 5,959,867 – column 1, lines 25-28 and column 6, lines 32-39).
- Again, Masuzaki discloses in column 4, lines 29-35 the displaying of the images.
- Masuzaki discloses in column 8, lines 36-45 the printing of images.
- Again, as with claims 1 and 8 above. Masuzaki does shows a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Please also see column 6, lines 28-38.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown (U.S. Patent No. 5,332,968), Sable (U.S. Patent No. 5,294,993) and Kobayashi (U.S. Patent No. 5,790,765)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

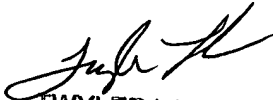
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YQ


TWYLER LAMB
PRIMARY EXAMINER
Supervisory Patent Examiner